

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

LATTIME CONSTRUCTION AND
HOME BUILDING, INC.,

Plaintiff,

V.

CENTURYTEL SERVICE GROUP, LLC,
et. al.,

Defendants.

Case No. 1:05-cv-1062-F

ORDER

This cause is before the Court on Plaintiff's Motion to Reconsider (Doc. # 18) in which Plaintiff requests that the Court reconsider its January 19, 2006 Order striking Count Two of the Complaint (Doc. # 15) and permit Plaintiff to further amend Count Two.

On November 9, 2005, Defendants filed a Motion for More Definite Statement (Doc. # 2) requesting that the Court enter an order requiring Plaintiff to more definitely state its fraud claim set forth in Count Two of the Complaint. On December 23, 2005, the Court entered an Order granting that motion and permitting Plaintiff to amend Count Two (Doc. # 10). In that Order, the Court specified the circumstances that must be alleged in order for a fraud claim to meet the particularity requirement of Federal Rule of Civil Procedure 9(b). Nonetheless, in its Amended Complaint (Doc. # 12), Plaintiff once again failed to set forth its fraud claim with the requisite particularity. The Court refuses to give Plaintiff yet another attempt at properly pleading its fraud claim. Thus, it is hereby ORDERED that the Motion

to Reconsider (Doc. # 18) is DENIED.

DONE this the 27th day of January, 2006.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE